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Subject: 1570 (215) A&L - ARO Letter - Selway Bitterroot Wilderness Invasive Plants Management Project ROD - Clearwater, Nez Perce, Bitterroot & Lolo National Forests - #10-01-00-0030

To: Appeal Deciding Officer

This is my recommendation on disposition of the appeal filed by Gary Macfarland, on behalf of Friends of the Clearwater, Wilderness Watch, and the Alliance for the Wild Rockies of the Selway Bitterroot Wilderness Invasive Plants Management Project Record of Decision signed by the *Forest Supervisors* on the Clearwater, Nez Perce, Bitterroot, and Lolo National Forests.

The Forest Supervisors' decision adopts Alternative 5, which allows for the selective, ground-based application of herbicides covering up to 4,125 acres annually and the distribution of bio-control agents covering up to 50,000 acres during the 10-year life of the project.

My review was conducted pursuant to, and in accordance with, 36 CFR 215.19 to ensure the analysis and decision is in compliance with applicable laws, regulations, policy, and orders. The appeal record, including the appellant's objections and recommended changes, has been thoroughly reviewed. Although I may not have listed each specific issue, I have considered all the issues raised in the appeal and believe they are adequately addressed below.

The appellant alleges violations of the National Environmental Policy Act (NEPA), the National Forest Management Act (NFMA), the Wilderness Act, the Forest Service Manual, and the Forest Plans. The appellant requests the Regional Forest to rescind the ROD except for the noxious weed prevention program. An informal meeting was held but no resolution of the issues was reached.

ISSUE REVIEW

Issue 1, Contention A. The appellant contends the FEIS does not address the problem of ecological manipulation in wilderness, in violation of NEPA, and the Wilderness Act.

Response: The ROD and FEIS clearly identify and analyze the effects of weeds threatening wilderness values, namely native plant communities and natural ecosystems, in context with the Wilderness Act. There is a difference in interpretation of the Wilderness Act between the Forest Service and the appellant when it comes down to "protected and managed so as to preserve its natural condition." The Forest Service interpretation of the Act allows manipulations within wilderness area for the intent of preserving or restoring the "natural conditions" of wilderness areas. In using the Minimum Requirements Decision Guide (FEIS, Appendix C), the actions



associated with the selected alternative constitute the least intrusive approaches to effectively address invasive weeds.

The FEIS and ROD provide clear rationale why non-native, invasive plants disrupt successions of native vegetation, interfere with the natural processes, and displace native vegetation—all of which do not protect or preserve the natural condition of the wilderness (ROD, p. 4; FEIS, Chapters 1 and 2). The analysis and project are in compliance with NEPA and the Wilderness Act.

Issue 1, Contentions B and C, and Issue 2, Contention D. The FEIS contradicts itself on discussions of control intensity relative to weed population response to treatments, in violation of NEPA.

Response: The chosen alternative uses the “Minimum” and “Prevention” tool. The minimum methods necessary to accomplish the objectives will be used in conjunction with methods other than herbicide and bio-control to deter the establishment and spread of invasive weeds (ROD, p. 30). Treatment efforts will be applied in areas where the effect of treatment will be of the greatest benefit. These areas are categorized as Advanced Infestation Areas, Early Infestation Areas and Weed Free Areas. Treatment objectives and methods for each area are defined in detail in the ROD (pp. 10 to 11) and the FEIS (pp.1-9 to 1-10). In each of the three treatment areas, Alternative 5 proposes to eradicate all targeted invasive plant species that are new to the area. It also describes treatment methods that maintain a weed free condition through education and preventative measures, and that eradicate and/or control targeted invasive species in the Advanced and Early Infestation areas. The FEIS (pp. 3.1-10, Table 3.1-3) illustrates the eradication potential for each targeted invasive species in the project area, and the species’ potential reduction opportunity. The table indicates there will either be a reduction, or a high eradication potential for each target species.

Effectiveness Monitoring is included in the Decision (ROD, pp. 31 to 35). All of the monitoring items note either increasing or suspending herbicide treatment or biological control agents based on monitoring results (ROD, pp. 33 to 35). Estimated maximum treatment acres per year are indicated in the ROD (p. 9, Table ROD-1) and the FEIS (p. 2-15). The FEIS (p. 3.1-51) explains that as the target species population decreases with treatment, the herbicide use will follow suit, and be used on a more occasional basis. The FEIS is clear about control intensity changing in relation to the weed population. The FEIS is in compliance with NEPA.

Issue 2, Contention A. The appellant contends the FEIS assumes that herbicides kill only weeds and have little effect on the native plants, but then cites studies that indicate the opposite. They point to the FEIS (p. 3.1-23) which indicates native plants recover two to three years after the application of herbicide, while elsewhere (FEIS, p. 3.1-24) it states there was a decline of nine non-target plants three years after herbicide use.

Response: The FEIS (page 3.1-24) references studies conducted by Wauchope and Leonard (1980), Watson et al. (1989), Rice et al. (1997) and Vencill (2002) showing herbicides decay over time and that “non-target species that are susceptible to herbicide application may recover from initial herbicide injury and even increase in abundance in the absence of intense pressure

from the herbicide targeted aggressive and dominating invasive weeds.” Herbicide labels and information on Material Safety Data Sheets (MSDS) (FEIS, p. 3.1-22) are very specific as to application rates to treat specific target plants. The ROD (p. 21, Table ROD-6) lists what design criteria shall be used in order to protect native species. Additional discussions, comparisons and protections are also addressed in the FEIS (pp. 3.1-15; 3.1-22 to 25; 3.1-27 to 3.1-30, Table 3.1-6; 3.1-45 to 3.1-47, and 3.1-51 to 3.1-52).

I find the FEIS addressed multiple studies that showed herbicides do have short term effects on native plant species, but when applied at recommended application rates, will recover when non-native plants are reduced and the herbicide has broken down in the soil. Therefore, there are adequate comparisons and tables in the FEIS that do show the effects of herbicide on non-native plants versus native plants.

Issue 2, Contention B. The appellant contends since herbicide spraying is repeated every two years in the Bitterroot Canyons, it is impossible for certain native plants to recover before the next herbicide treatment. They believe the FEIS is “illogical” in its conclusion that native plants will recover, in violation of NEPA.

Response: The appellant is making reference to a footnote (FEIS, p. 3.1-43, Table 3.1-9) which states, “Many of these canyons were not treated in 2005 and currently are planned for treatment every other year.” The FEIS (p. 3.1-22) clearly states that effectively using herbicide to control weed populations and reduce impacts to native populations is based in large part to the application rate and timing of the application. The FEIS (p. 3.1-22) states, “The length of time each herbicide controls invasive weeds varies with the type of herbicides, environmental conditions and target weeds. Some herbicides control weeds for a short time, while others can provide a few years of control from one application.” These conclusions are supported by references (FEIS, pp. 3.1-24 to 3.1-25, 3.1-51 to 3.1-52).

I conclude that as long as the licensed applicators use the herbicides listed in the ROD (Table ROD-2, pp. 10 to 12 and they are applied in accordance with label instructions and project design criteria as listed in the ROD (Table ROD-6, pp. 21 to 27) the desired results (ROD, (Table ROD-10, pp. 33 to 35) will be achieved and native plant populations will recover. The analysis is in compliance with NEPA.

Issue 2, Contention C. The appellant contends picloram will kill weeds and native species for two to four growing seasons and that bio-accumulation and persistence may be a problem, contrary to what the FEIS claims.

Response: The residual potency of picloram makes it the preferred herbicide in extending the period of effectiveness to control noxious weeds in certain situations (FEIS, p. 3.1-48). The FEIS states, “The risk of damage and mortality to non-target or native plant communities is low because of herbicide application design criteria and the distribution pattern of treatments.” The length of time picloram remains effective in the soil is based on soil and environmental conditions and the target weeds (FEIS, p. 3.1-22), but is typically shorter than the appellant’s claim. “Estimates of picloram persistence ranges from a few months to as long as three years, depending on soil and environmental conditions (Tu et al.2001)” (FEIS, p. 3.2-3). Due to the

potency and enduring characteristics of picloram, the ROD (Table ROD-6 [criteria H8, H10, and S1] and Table ROD-7) very specifically directs the use and application of picloram.

I conclude that bio-accumulation and persistence will be avoided as long as the licensed applicators use picloram as called for in the ROD, and it is applied in accordance with label instructions and project design criteria as listed in Table ROD-6. If this is done, the desired results should be achieved.

Issue 2, Contention D was combined with Issue 1, Contentions B and C, above.

Issue 2, Contention E. The appellant contends the FEIS is confused as to what herbicides are being evaluated, approved, and used. They state that chlorsulfuron is not listed for use in FEIS (Table 2-4, p. 2-26), but is included in the ROD. They are also questioning varied application rates of picloram from one pint per acre to two quarts per acre would cause undesirable impacts.

Response: The ROD listed the herbicides approved for use in the analysis area. Chlorsulfuron is included on this list. Although it is not listed in Table 2-4 of the FEIS addressing herbicide use in the RHCA, it is referenced as being a herbicide considered for analysis in the first paragraph on page 3.1-22 of the FEIS and is also compared to the other herbicides in Table 3.1-6 on page 3.1-27 of the FEIS. Application rates listed for picloram vary with the species of noxious weed that is being treated as per the product label which can be found on the website listed in the FEIS (p. 3.1-22). The range of application rates for picloram is also listed in Table A.2 on page 11 of the ROD.

Although chlorsulfuron may have been unintentionally omitted from the FEIS (Table 2-4, p. 2-26), its inclusion with the other herbicides during effects analysis and effectiveness comparisons is clear that it was included in this analysis. The ROD (Table ROD-4, p. 18) is very clear as to which chemicals are approved for use, including chlorsulfuron. Therefore, I conclude the herbicides approved for use are clearly stated in the ROD and adequately covered in the FEIS.

In regards to the appellant's concern that application rates of up to two quarts per acre of picloram will impact native plants more, the FEIS is clear that the higher rates are used in the fall. "The selectivity of picloram is rate and season dependent. Spring and fall applications at one pint per acre would have a short-term effect on native broadleaf plants (Rice and Toney 1996). Fall applications would be more selective at rates up to 1½ pints per acre because many non-target native plants are dormant and herbicide uptake is reduced" (FEIS, p. 3.1-26). As long as picloram is applied in accordance with the label instructions, environmental effects would be limited to those addressed in the FEIS. The analysis is in compliance with NEPA.

Issue 2, Contention F. The appellant contends the FEIS contradicts itself when discussing the effectiveness of hand pulling. The FEIS says that hand pulling has not worked (p. 3.1-39) yet elsewhere (p. 3.1-15) it states hand pulling has helped keep invasive weeds "in check" on river campsites.

Response: The FEIS clearly describes when hand pulling is an effective method of control and when it is not. Target species that have a very low population consisting of a few tap rooted plants can be effectively controlled by hand pulling. Weed sites that can be treated effectively by hand pulling are “less than a tenth acre with non-rhizomatous species and low weed density” (FEIS, p. 3.1-39). Target species that have a large population base and have large rhizomatous systems respond more successfully to treatment when herbicides are used (FEIS, p. 3.1-47).

The FEIS states success with hand pulling is determined by the size and the density of the infestation. “These methods (hand pulling and hoeing) are labor intensive and relatively ineffective for management of large, dense infestations of perennial weeds” (Brown et al. 1999; Duncan et al. 2001; FEIS, p. 3.1-40). Numerous examples are given (FEIS, p. 3.1-40) showing why mechanical methods may not be the most economical or effective weed treatment. The success of hand pulling around campsites is attributed to continuous treatment by Forest Service personnel. “The Selway River Ranger monitors and handpulls invasive plants at most of the established campsites along the Selway River. This has helped keep existing and new invaders in check on those campsites. The campsites are generally less than one acre in size with target plants occurring as individuals or lightly scattered throughout” (FEIS, p. 3.1-15).

I conclude the distinction between where it is appropriate to use mechanical methods and where they are ineffective and why, is clearly addressed in the FEIS. The analysis is in compliance with NEPA.

Issue 2, Contention G. The FEIS claims hand pulling, grubbing, and other similar treatments are too expensive and toxins in plants could harm those pulling weeds. The Forest Service Manual prohibits the agency from using economics as a determining factor in wilderness stewardship.

Response: The Human Health Section of the FEIS (p. 3.8-4) describes the threats posed to workers from weeds. These threats include allergic reactions if consumed, pollen inhaled, or vegetation handled. Others threats include skin irritations and cuts. The FEIS (p. 3.8-3) states, “Compliance with safety standards and regular review and discussion of Job Hazard Analysis along with agency, industry and manufacturers’ recommendations reduces the potential exposure and risk of injury to workers.” A cost effectiveness summary is displayed in the ROD (p. ROD-41) categorized by alternative. A separate cost summary is reflected in a more detailed description in the FEIS (p. 2-19) categorized by treatment method.

The rationale for the decision is documented in the ROD (pp. ROD-36 through ROD-43). The deciding factors among the alternatives were, “The degree to which each alternative met the purpose and need for action, the degree to which each alternative responds to the primary issues, and the degree to which each alternative responds to concerns raised by the public, other agencies and affected Tribes” (ROD, p. ROD-37). The primary issues relative to the deciding factors among the alternatives were, “the effects of the proposal on maintaining Wilderness character, the effects of the proposal on maintaining natural ecosystems, the effects of the proposal on existing human uses, the extent and priority of areas needing to be treated to manage invasive plants, and the effectiveness of treatment methods and strategies proposed to manage invasive plants” (ROD, p. ROD-38). The decision for the selected alternative was not based on

economic feasibility; it was based on the points listed in the ROD (p. ROD-37) as cited above. Alternative 5 (the chosen alternative) is indicated in the ROD as the most effective alternative to meeting the purpose and need of the project (ROD, p. ROD 41, Table ROD-11; FEIS, pp. 3.1-52 to 3.1-53), not because of economics.

Issue 2, Contention H. The appellant contends the problem with cheatgrass infestations was not resolved in the FEIS. They contend the weed program is directed at spotted knapweed treatment and the FEIS does nothing, or very little, to control cheatgrass. They further contend that cheatgrass could radically alter fire frequency in the wilderness while spotted knapweed likely will not. This will increase one weed and decrease another, while severely trammeling wilderness in the process. The end result will be an as weedy wilderness as before, just with different weed species.

Response: The FEIS (p. 3.1-14) acknowledges “Cheatgrass . . . is one of the most aggressive invasive species in the western United States yet is not listed as a noxious weed in either Montana or Idaho primarily because of its pandemic presence and resistance to available control measures.” The plant species to be managed in the Wilderness are 21 species listed as noxious weeds in Idaho and Montana, and cheatgrass (FEIS, p. 1.9, Table 1.1). The emphasis may appear to be aimed at spotted knapweed because 90 percent of the approximately 109,000 acres of infested area inside the Selway Bitterroot Wilderness is infested with spotted knapweed (FEIS, p. 1-4). Most of the herbicides listed are label approved for treating spotted knapweed (ROD, Table ROD-4). Only three would be effective on cheatgrass (glyphosate, imazapic, and sulfometuron methyl). Fire’s relationship to invasive plants was addressed in the FEIS (pp. 3.1-13 to 3.1-15). Spotted knapweed tends to increase on ponderosa pine plots with high burn severity (Ferguson 2007) (FEIS, p. 3.1-13) while cheatgrass will establish “heavy persistent pocket colonies under ponderosa pine trees that acts as a launch point into areas where fire has gone through (Gundale et al 2007) (FEIS, p. 3.1-15). The FEIS stated that in grassland habitats, cheatgrass “...can shorten the fire interval normally experienced by a perennial bunchgrass community. This pattern increases the fire damage and reduces the reproductive ability of native species” (FEIS, p. 3.1-14).

I find the FEIS has adequately addressed the cheatgrass vs knapweed problem, and through the integrated management plan as outlined under Alternative 5 in the ROD (p. ROD-8) all species listed for treatment in FEIS (Table 1-1, p. 1-4) can be treated. The No Action Alternative would result in increased degradation of the native plant population, by the increase in various non-native species, including cheatgrass. Alternative 5 offers sufficient integrated management options to treat multiple invaders, including cheatgrass, within the analysis area to try and restore or enhance native plant populations and return to a normal fire regime. The analysis is in compliance with NEPA.

Issue 2, Contention I. The appellant contends there is incongruity within the FEIS. They claim Alternative 5 will help sensitive plants from the threat of noxious weeds while the FEIS also states that most of the rare plants are outside the treatment areas so chemicals will not impact them.

Response: The FEIS (p. 3.1-54) is very specific that, “There are 68 sensitive plant species known or suspected to occur on the Bitterroot, Clearwater, and Nez Perce National Forest. Approximately 24 are known or suspected to occur within or near the project area. According to element occurrence records from the Idaho Conservation Data Center, Montana Natural Heritage Program and Forest Survey records, 17 actually occur within the analysis area.” The FEIS (p. 3.1-55 to 3.1-55, Table 3.1-11) lists the species known to occur within potential treatment areas. The FEIS (p. 3.1-55) states, “The treatment sites are commonly disturbed areas not generally conducive to potential sensitive plant occurrences. In many cases, the habitat has been altered enough that it is not considered potential habitat for sensitive plants. Typical examples of such sites include campgrounds, trailheads, administrative sites, roads, trails and airstrips.”

I conclude that the FEIS adequately addresses that sensitive species do exist both inside and outside proposed treatment areas. The integrated management strategy (FEIS, Appendix F, p. F-1; and the ROD, p. ROD-21, Table-ROD-6) provide adequate direction for treatment of weeds while still protecting listed sensitive species. The project and analysis are in compliance with the Wilderness Act and NEPA.

Issue 2, Contention J. The appellant claims two problems exist; the ROD does not include watershed/fisheries measures cited in the Biological Opinions, and using picloram 50-feet from water would be in compliance with Table ROD-7, but could result in using picloram in dry ditches or streambeds, which is not approved. They also feel all the herbicide design measures should have been presented in one place.

Response: The ROD (Table ROD-6, Design Criteria and Table ROD-7, RHCA Herbicide Use Restrictions) include direction that is the same protection requirements listed in both Biological Opinions (ROD, Appendix B).

The ROD (Table-ROD-6) includes a section specific to “Aquatic and Fisheries Resources” that lists four design criteria aimed at protecting water quality and aquatic life. The ROD (Table-ROD-7) is also very specific to how close to live water the different chemicals can be used. The ROD does state that picloram will not be used within 50-feet of live water. The ROD (Table-ROD-6, p. ROD-21) states, “Herbicides will be used in accordance with label instructions and restrictions.” The label instructions for Tordon 22K, the typical brand name herbicide used containing picloram, states, “Tordon 22K may cause damage to sensitive non-target vegetation. Do not apply to irrigation ditches that contain or may contain water to be used for irrigation or domestic purposes.” Following label instructions, dry ditches and streambeds would not be treated with picloram.

In the ROD, the approved herbicides are first listed in Table ROD-4, followed by approved biological controls in Table ROD-5. This is then immediately followed by Table ROD-6, herbicide design measures, which is immediately followed by Table ROD-7, RHCA herbicide use restrictions. All pertinent herbicide information has been adequately covered within a 10 page span that is relatively continuous, is not unreasonable, and should be easy for the reader to follow. The analysis and decision documents are in compliance with NEPA.

Issue 2, Contention K. The appellant contend the FEIS and ROD are outdated because the U.S. Fish and Wildlife Service (USFWS) proposed critical habitat for bull trout since the ROD was released. The appellant wants the FEIS and ROD to be revised to reflect the latest information on bull trout, and wants consultation to be reinitiated with USFWS.

Response: USFWS published a proposed rule under the Endangered Species Act to revise designated critical habitat for bull trout in the Federal Register on January 14, 2010. The Federal Register Vol. 35, No. 9, January 14, 2010 contains the proposed rule with a comment period ending March 22, 2010. The Selway, Lochsa, and Bitterroot River subbasins are included as proposed critical habitat. USFWS will make a final decision on bull trout critical habitat by September 30, 2010. Critical habitat has not yet been designated in these areas.

After a decision is made on the revised designation of critical habitat for bull trout, the Selway Bitterroot Wilderness Invasive Plants Management Project and other projects will be reviewed to determine whether effects to waters included in the proposed critical habitat had already been considered in the original decision making. The effects of this project will be reviewed, and if necessary, additional consultation with the USFWS would occur at that time. The project is in compliance with ESA.

Issue 2, Contention L. The appellant contends the FEIS's analysis is topsy-turvy because there is no discussion of compliance with the Wilderness Act. Rather, state policies and executive orders trump the clear mandates embodied in the Wilderness Act.

Response: The purpose and need describes the decision in context with the Wilderness Act (ROD, pp. 3 to 4). One of the primary issues analyzed for this project is the effects of the proposal on maintaining wilderness character (ROD, p.6). The ROD (p. 42) lists other factors considered in making the decision. In this section six other designated Wildernesses are listed which have applied the principles of Integrated Weed Management to authorize herbicide and other treatments specifically for invasive plant control. The precedents provided by these decisions support the appropriateness of actively managing invasive plants in Wilderness using the variety of tools, techniques, and protection measures. The ROD (p. 45) discusses the consistency of the project with the Wilderness Act. The FEIS (p. 3.1-1) itemizes relevant direction under the Bitterroot, Nez Perce, Clearwater, and Lolo Forest Plans regarding vegetation management as related to invasive plants in the wilderness, and discusses the Wilderness Act as it relates to appropriate management activities, including which noxious weed treatment (FEIS, pp. 3.6-1 to 3.6-2).

I find the ROD and FEIS adequately discusses in detail the compliance with the Wilderness Act (ROD, pp. 3, 4, 6, and 45). The purpose and need describes the decision in the context of the Wilderness Act, while one of the primary issues analyzed for this project is the effect of the proposal on maintaining wilderness character. The FEIS is consistent with the Bitterroot, Nez Perce, Clearwater, and Lolo Forest Plans regarding vegetation management as related to invasive plants in the wilderness (FEIS, pp. 3.6-1 to 3.6-2). The analysis and project are in compliance with NEPA, the Wilderness Act, and the Forest Plans.

Issue 2, Contention M. The appellant contends the FEIS and ROD do not explain the white spots on the maps near the boundary of the wilderness and it appears no chemical or biological treatments would be allowed in these areas.

Response: The white areas shown on all of the maps in the FEIS, and the “Selected Alternative 5” map (ROD, after p. 13) are areas not designated for treatment. This should be clear since all other areas included within the project area boundary have some type of treatment designation. The Transmittal Letter states, “Note that the white spots were omitted deliberately from analysis because they represent small un-infested areas that are part of much larger watersheds which lie outside the analysis area.”

I conclude the legend on the colored alternative maps, including the “Selected Alternative 5” in the ROD is self-explanatory. If an area is left white, we can assume these areas are not scheduled for any type of treatment. Just as the area outside the project boundary has been left white. The analysis is in compliance with NEPA.

Issue 3, Contention A. The appellant contends the ROD approves several herbicides which may not be compatible with each other if mixed together. They are concerned with the synergistic effects and if the combination will result in a toxic substance.

Response: “Comparing Alternatives for Additive or Synergistic effects from Herbicide Mixtures” was addressed in the FEIS (p. 3.8-12). The ROD (Table-ROD-6, p. 21) states, “Herbicides will be used in accordance with label instructions and restrictions.” The label for each chemical approved for use (ROD, Table-ROD-4, p. 18) lists if it can be mixed with other chemicals. The only evidence of a synergistic effect between any of the chemicals analyzed in this FEIS (p. 3.8-12) were when picloram and 2,4-D were used together a mild skin rash appeared in a limited percentage of individuals.

I conclude that as long as the licensed applicator uses approved chemicals (ROD, Table-ROD-4, p. 18), and applies them in accordance with the label direction, there should be no significant synergistic effects, or production of a toxic substance. The analysis is in compliance with NEPA.

Issue 3, Contention B. The appellant contends herbicides can degrade into more toxic and persistent metabolites, and the FEIS barely addresses this issue.

Response: The FEIS (p. 3.8-9) does address impurities and metabolites. “In addition to the analysis of potential hazards to human health from each herbicide active ingredient, Forest Service/SERA RA’s evaluate any available scientific studies of potential hazards of these other substances associated with herbicide applications: impurities, metabolites, inert ingredients, and adjuvants. While there is often less information available on these substances because they are not subject to the extensive testing that is required for the herbicide active ingredients under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), it must be noted that testing of formulated products is relatively common, and where it is done, the test results include the effects of the additives which are included in the formulated product (inert ingredients, surfactants, penetrants or other chemicals added to enhance product efficiency).”

This issue was addressed in the “Response to Comments” (FEIS, Appendix R, p. R-31). It states in part, “Metabolites are often accounted for in the toxicity studies of the herbicides active ingredient. Adverse health effects as prescribed application rates are not significant. See FEIS: Human Health Section 3.8.4A, *Impurities and Metabolites*; and Section 3.8.4.B-*Cumulative Effects, All Alternatives*.” The FEIS recognizes that research of this issue is limited and there is a need to be cautious.

I conclude the FEIS does an adequate job of addressing the metabolite issues based on available information. As long as the licensed applicator uses approved chemicals (ROD, Table-ROD-4, p. 18), and applies them in accordance with the label direction and at the recommended application rates, the formulation of metabolites will be greatly reduced. The analysis is in compliance with NEPA.

Issue 3, Contention C. The appellant is concerned that bio-accumulation, particularly in fungi, may be a problem for human health.

Response: Bio-accumulation issues and effects on humans are addressed in the FEIS (pp. 3.8-13 to 3.8-15). Mushrooms are addressed in the FEIS (p. 3.1-23) under “Impacts to Native Vegetation Communities.” It states, “There are no studies on relationships between herbicide applications and edible forest mushroom production or consumption. There is literature regarding fungi being efficient bioaccumulators of heavy metals, however, is it not known if this characteristic applies to organic compounds. Although mushrooms seem unaffected by herbicides, they may accumulate residues. It is unlikely that LD50 concentrations would be reached by anyone eating mushrooms.”

Based on the location of the herbicide treatments as shown on the “Selected Alternative 5” color map in the ROD, it is highly unlikely noxious weeds and edible fungi will be populating the same habitat. The “Integrated Weed Management Approach” (FEIS, Appendix F, p. F-1) and the approved treatment methods under selected Alternative 5 (ROD, p. 8) offer alternatives other than herbicides that can be used in areas where edible fungi are present at the time of treatment. The analysis is in compliance with NEPA.

Issue 3, Contention D. The appellant contends the FEIS fails to adequately acknowledge new information about the impacts of herbicides since they were registered with the EPA. They specifically cite a research paper by R. Relyea on harmful effects to amphibians.

Response: While this particular paper was not mentioned in the appellant’s comments on the DEIS, the FEIS (p. 3.7-23 to 3.7-24) addresses the effects of proposed herbicide application to amphibians and reptiles, including another paper by Relyea. “Information on the effect of pesticides on amphibian populations is limited, and the studies that are available often focus on the most toxic compounds like insecticides (e.g. Taylor et al. 1999, Bridges and Semlitsch 2000, Boone and Semlitsch 2001, Relyea and Mills 2001). Some herbicides are known to have adverse effects on amphibians (e.g. Hayes 2002, Wojtaszek 2005).”

The FEIS further includes reference to Relyea's 2005 paper which "...implicate(s) the glyphosate formulation Roundup in amphibian decline, but the formulation studied contains a surfactant known to be toxic to aquatic organisms. Numerous previous studies have attributed the toxicity of this information to the surfactant and not the glyphosate active ingredient (e.g. Mann and Bidwell 1999; Perkins et al. 2000). Since Relyea (ibid) did not conduct or report results for the aquatic formulation of glyphosate, without the toxic surfactant, the results of his study cannot be attributed to the herbicide." The paper by Relyea cited in the FEIS is listed in Appendix O (p. O-9).

The FEIS has used the best science available in evaluating the impacts of herbicides on amphibians. The research paper submitted by the appellant and authored by R. Relyea is similar to the one cited in the FEIS. The analysis is in compliance to 36 CFR 219.35(a) (2004) requiring the responsible official to consider the best available science in implementing existing plans.

Issue 4, Contention A. The FEIS fails to look at other kinds of cultural control. Backpack propane burners have been effective in organic farming operations. This should have been evaluated.

Response: The analysis considered a number of other cultural control techniques. They included prevention emphasis, mechanical/cultural emphasis, reduce human use, maximum allowable herbicide alternative, and treatment of aquatic invasive plants (ROD, pp. 6 to 7). It would very difficult to burn individual weeds with a propane torch without setting a fire. The FEIS describes the fire regime history of the area and the effect wildfire has had historically on the weed population within the project area (FEIS, pp. 3.1-13 to 3.1-14). The FEIS does consider a mechanical/cultural emphasis alternative, but excludes it from detailed analysis "because the measures indicated are already approved for use under Alternative 1, the No Action Alternative" (FEIS, p. 2-16) and "are incorporated as acceptable practices under all action alternatives" (FEIS, Appendix R, p. R-22).

An Adaptive Management strategy will be used to meet project goals (ROD, pp. 29 to 31). The strategy includes use of chemical herbicides, use of newly approved herbicides and biological control agents, the discontinuation of chemicals due to lack of effectiveness, and the addition of new invasive species to the list of targeted weeds. The management flexibility allows the use of all available management tools excluding bio-control agents (FEIS, p. 3.1-48). The consideration of other alternatives is in compliance with NEPA.

Issue 4, Contention B. In discussion of the No-Action Alternative, the FEIS (p. 3.1-44) claims herbicides and bio control are prohibited under this alternative and the analysis of impacts is based on those assumptions. However, on page 3.1-42, and elsewhere, the FEIS notes herbicide use does currently take place in the wilderness, and page 3.1-20 notes introduction of exotic insects took place in the 1990s (without NEPA compliance). The FEIS has either skewed the analysis of this alternative or the agency has used herbicides and bio-control illegally and without authorization.

Response: The ROD (p. 7) and the FEIS (p. 2-8) explain that under the No-Action Alternative all currently approved methods will continue to be used. The FEIS (p. 3.1-44) says that under

the No-Action Alternative, no new or additional acres would receive treatment with herbicide nor would any new acres receive new bio-control releases. The ROD cites the Bitterroot National Forest Noxious Weed Treatment Project, March 2003, as approving the use of herbicides within the Wilderness. Currently, less than 20 acres per year are being treated in the Wilderness. These treatments focus on administrative sites, old road prisms, and spot treatments along trails and campgrounds (ROD, p. 7). The FEIS (p. 3.1-15) states there are “approximately 100 miles of trails eligible for treatment with herbicide under existing NEPA decisions.

Concerning bio-controls, the FEIS (p. 3.1-18) states, “some of the populations have established through unassisted migration into the project area from adjacent release and colonization...”. What is and is not contained in the No-Action Alternative is clearly defined in the ROD and the FEIS. The present management of the Wilderness and the analysis of this project are in compliance with NEPA.

Issue 4, Contention C. Broader prevention strategies should have been evaluated. Prevention measures that change human use of the area or alter the transportation system—the vectors for weeds—are not addressed.

Response: The Prevention Emphasis Alternative (No Herbicides and No Bio-Control) was considered in the analysis but not in detail, “because prevention alone would do little to contain established populations of weeds” (ROD, p. 6). Prevention items common to all alternatives include public education plan and program, including voluntary compliance by the public to ensure preventative measures with their stock, an internal policy requiring a 48-hour enclosure for all Forest Service administrative stock in a weed free facility including feed, and the use of Adaptive Management, Integrated Weed Management, Prevention, and Minimum Tool Strategies (ROD, pp. 9, 29 to 30; FEIS, pp. 2-14 and 2-17 to 2-18).

The prevention strategy is proposed as part of the chosen alternative. It is described in detail in the FEIS (Appendix N). The education emphasis portion of the prevention plan applied to all alternatives and is described in detail in the FEIS (Appendix G). Prevention activities that are currently in place within the project area include weed-free feed programs, and invasive plant education of the public and fire personnel (FEIS, p. 3.1-16). Vectors for weeds are addressed in the FEIS (p. 3.1-7).

The comments from the appellant about preventative methods were considered and responded to as documented in the FEIS (Appendix R). The chosen alternative is consistent with the Wilderness Act, and the analysis and response to public comments are in compliance with NEPA.

Issue 4, Contention D. Under Alternative 4, the bio-control alternative, species such as oxeye daisy are likely to expand because there is no bio-control for this species. Its seems unlikely this species will expand much given the fact it has existed in the area a long time (3.1-8) and it is reaching more of equilibrium.

Response: It is unclear why the appellant is taking issue with Alternative 4 in the appeal, since this is not the alternative that was chosen. Alternative 4 specifically states that weeds would be

managed without herbicide inside the Wilderness, but herbicide would be used at designated treatment areas outside the Wilderness that lead into the Wilderness.

The FEIS (p. 3.1-10, Table 3.1-3) describes the Management Options for target species, including the oxeye daisy. This species is at a low density in the project area, and its eradication potential is doubtful. Reduction/Control opportunities are to reduce oxeye daisy to negligible levels, and eliminate small pioneering starts along trails, river corridors, camps, etc. Oxeye daisy distribution is low enough that management can reasonably pursue the reduction objective throughout the analysis area.

It is not unusual that an alternative will not fully meet the purpose and need for the proposal. Alternative 4 and the range of alternatives are in compliance with NEPA.

Issue 4, Contention E. The conclusion that massive use of herbicides and the deliberate introduction of exotic species is the minimum tool defies logic. The conclusion that a massive manipulation program is warranted is not the minimum tool. This is the most intensive and extensive alternative [Alternative 5] analyzed; there is nothing minimum about it.

Response: The Minimum Tool utilizes the minimum methods necessary to accomplish the management objectives (ROD, p. 30). All alternatives were analyzed using the Wilderness Minimum Tool Guidelines, and documented in the FEIS (Appendix C, pp. 1 to 30).

Alternative 5 has the greatest amount of treatment area, and applies the minimum tool within the context of the objectives of the alternative. Alternative 5 is the best fit for meeting the purpose and need and overarching goals of the project (ROD, p. 37). The analysis and decision are in compliance with NEPA and the Wilderness Act.

Issue 5, Contentions A, B, C, D, E, G. The appellant contends a war on weeds inside the wilderness with thousands of acres of herbicide spraying in areas already affected by weeds is contrary to the Wilderness Act, is not legal and is a serious misunderstanding of the Wilderness Act. They contend the Forest Service would destroy the untrammelled (unrestricted) character of wilderness, destroy its wildness, and destroy the self-willed landscape by the use of synthetic herbicides and the introduction of alien exotic species. They contend that the Forest Service does not understand the meaning of “trammel” pointing to the Minimum Requirements Decision Guide as just one example of the mistake in the understanding of the word.

Response: The Wilderness Act and its implementing regulations (36 CFR 293) are silent on the introduction of biological control agents or use of herbicides in Wilderness to maintain the natural ecosystem. Such actions, therefore, are not contrary to the Wilderness Act, federal regulation, or agency policy (ROD, p. 39). There are no special requirements that apply specifically to management of invasive plants in the Wilderness Act. The Wilderness Act tasks managers with protecting natural and unimpaired conditions, allowing exceptions to certain management actions in order to meet the minimum requirements for administration to protect Wilderness resource (see Sections 2(c), 4(c), and 4(d)). The FEIS (pp. 3.6-2 to 3.6-3) discusses

the requirements of the Wilderness Act, the Wild and Scenic Rivers Act, the Forest Service Manual (FSM 2323.26b), and the Forest Plans, as related to noxious weed control.

The ROD (p. 38) states that allowing non-native invasive plants to expand freely throughout Wilderness is inconsistent with the Wilderness Act and Forest Service Wilderness policy. The distinction between the two types of non-native introductions (weeds and bio-control) lies in the degree and type of impact each would have on the Wilderness. Invasive plants displace native vegetation and that directly affects wildlife habitat, the visual experience, and ecosystem function (see discussion in the FEIS, Sections 1.4, 3.1, 3.6, and 3.7). The FEIS indicates the far reaching impacts to these resources would diminish the Wilderness character (FEIS, Table 2.9, pp. 2-35 to 2-37; and pp. 3.6-15 to 3.6-19). Reducing the target invasive plant species with bio-control will assist in the retention of native vegetation, wildlife, visual quality, ecosystem function, and wilderness character.

Alternative 5 will proceed as cautiously as necessary with bio-control releases by tracing plant community changes with established monitoring techniques (ROD, p. 39). Alternative 5 will also perform most effectively in preventing the further long-term degradation of the natural ecosystems, including associated flora and fauna, of the Selway Bitterroot Wilderness (FEIS Table 2.9; and pp. 3.6-15 to 3.6-19).

The General Management Direction (GMD) for the entire Selway Bitterroot Wilderness was amended in 1994 to specifically address direction to diminish the spread of weeds, ensure that impacted sites are restored with native vegetation, and maintain or restore rare plant populations (FEIS, p. 1-7). The GMD was revised to include “when weed control of a weed population is being evaluated, all applicable control practices for a given species will be considered. The minimum tool principle will be applied in that the methods that accomplish control objectives while causing the least disturbance to the wilderness resource will be selected.” The introduction of approved bio-control agents was also included in this amendment (Selway Bitterroot Wilderness Management Direction – Vegetation Amendment, p.4).

FEIS (p. 3.6-19) acknowledges that Alternative 5 would require short term trammeling in the form of bio-control and herbicides but would result in a significant improvement in the natural condition of the Wilderness in the long term.

The concept of “trammeling” is discussed in the Wilderness section of the FEIS (Section 3.62 as well as Chapters 1 and 2). The FEIS goes on to explain that non-native invasive plants and the conditions created by these plants is not consistent with preserving wilderness character, rather the presence and uncontrolled proliferation of these invasive weeds degrades wilderness character and could be interpreted constraining the wildness of the Wilderness, itself.

The Minimum Requirements Decision Guide for the Selway Bitterroot Wilderness Invasive Plant Management and Implementation assesses the effects of the action (FEIS, Appendix C). The Guide (FEIS, Appendix C, p. 24) describes the existence of invasive plants as a form of trammeling, since they were largely introduced and spread by human use in the Wilderness. Alternative 5 implements management actions that will also have effects on the untrammelled character of the wilderness in the short term by increasing the size of the treatment area relative

to current management. The use of herbicides and bio-controls is in compliance with the Wilderness Act, the Wild and Scenic Rivers Act, the Forest Service Manual, and the Forest Plans.

Issue 5, Contention F. The appellant contends that weeds, whether for the better or worse, are part of the biota. They state the FEIS is inconsistent on what is a weed, stating that timothy or red clover are preferred non-native species and are every bit as out of place as spotted knapweed in the Wilderness.

Response: The ROD (Table ROD-3) lists the target invader plant species of concern for this project. Neither timothy nor red clover is listed. There are a number of additional uncatalogued exotic or nonnative plant species present within the Selway, Clearwater, and Bitterroot River Basins that occupy niches that fall into the “naturalized” category (FEIS, p. 3.1-5). The FEIS (p. 3.1-12) states that deliberately introduced timothy and red clover have established a widespread presence in the project area. These two species reached pandemic status decades ago, prior to integrated invasive plant management programs. The lack of cost-effective or reasonable control methods for these widespread entrenched species in wildland settings limits the feasibility of treatment. The noxious weed lists for Idaho and Montana provide the general guidance for the selection of priority species for integrated management. Neither timothy nor red clover are on either list. Excluding timothy and red clover from the list of weeds to be controlled is in compliance with NEPA and the Wilderness Act.

Issue 5, Contention G was covered above in Issue 5, Contention A.

Issue 5, Contention H. The appellants requested an analysis of whether or not the ecological manipulation under consideration is even allowed in wilderness. They say this was not done. They also say the FEIS failed to look at the issue of scale.

Response: The ROD (p. 5) summarizes scoping comments, one of which states, “Opinions were also expressed that active management of invasive species may be in conflict with the 1964 Wilderness Act. The ROD (p. 41) states there were questions raised during scoping, one of which was “herbicides and bio-controls may be contrary to the Wilderness Act”. It goes on to summarize comments received during the DFEIS on behalf of Friends of the Clearwater, Wilderness Watch, Alliance for the Wild Rockies, and the WildWest Institute who all opposed the proposal citing possible disparities primarily with the Wilderness Act and the requirements of NEPA.

The ROD (p. 45) states that Forest Service policy direction is to maintain Wilderness in such a manner that ecosystems are unaffected by human manipulation and influence so that plants and animals develop and respond to natural forces (FSM 2320.2). It is also policy to control and eliminate exotic vegetation (FSM 2421). Alternative 5 would comply with these policies and requirements related to the Wilderness Act, offering the best overall effectiveness in meeting the purpose and need.

The Wilderness Act and its implementing regulations (36 CFR 293) are silent on the introduction of biological control agents or use of herbicides in wilderness to maintain the natural ecosystem.

Such actions therefore are not contrary to the Wilderness Act, federal regulation, or agency policy (ROD, p. 39). There are no special requirements in the Wilderness Act that apply specifically to management of invasive plants. The Wilderness Act tasks managers with protecting natural and unimpaired conditions, allowing exceptions to certain management actions in order to meet the minimum requirements for administration to protect Wilderness resources (Section 2(c), 4(c), and 4(d)).

The ROD and FEIS describe the range of alternatives considered and analyzed along with the different scales of treatment objectives by watershed category (ROD, pp. 6 to 9, and Tables ROD-2 and ROD-7; FEIS, pp. 2-8 to 2-15, 3.1-41 to 3.1-53). The Minimum Requirements Decision Guide (FEIS, Appendix C) describes the minimum necessary administrative actions that would take place within the SBW. It addresses both scale and intensity of actions. The analysis did consider scale and intensity of the actions, and whether the actions are consistent with the Wilderness Act. The analysis and project are consistent with NEPA and the Wilderness Act.

Issue 5, Contention I. The appellant cited botanist Peter Harris, who noted in an article in Bioscience, “Chemical control of weeds on uncultivated land is almost always detrimental to the native flora...A reduction in these herbicide programs would be ecologically desirable.” The appellant then said the program approved in the ROD and FEIS rely on Band-Aid measures that do far more harm to the wilderness than good. The greatest threat to wilderness is not from exotic plant invaders, but from misguided managers who want to manage the wild out of wilderness.

Response: The article addressed above was only cited in the appeal, and there was no request to use this in the analysis. However, as I discussed earlier, the analysis did consider the impacts to the native flora from herbicides. The analysis did use the best available science, and is in compliance with NEPA and the Wilderness Act.

Issue 5, Contention J. The appellant contends the FEIS and ROD conclude bio-control is consistent with the Wilderness Act and state that this is contrary to agency regulations since insects belong to the Animal Kingdom. They cite FSM 2323.31 Management of Fish and Wildlife which deal with providing an environment where the forces of natural selection and survival rather than human actions determine which and what numbers of wildlife species will exist in the wilderness, and FSM 2323.33(a) which deals with reintroduction of wildlife species to wildernesses after those animals were extirpated by humans. They go on to state that the law is not being met and the Forest Service actions are contrary to the Wilderness Act by the deliberate introduction of exotic species into the wilderness. They state even the FEIS recognizes this as an irretrievable commitment of resources.

Response: The ROD (p. 38) states the Forest Service recognizes the argument that placing non-native biological control agents in to the Wilderness carries an appearance of conflict with the values of naturalness, but the Forest Supervisors have determined the use of bio-controls are fully consistent with the Wilderness Act and current policy. The ROD concludes that allowing

non-native invasive plants to expand freely is inconsistent with the Wilderness Act and Forest Service Wilderness policy.

Insects, indeed, are in the Kingdom *Animalia*. Regardless of the classification of insects, the FSM 2323.33(a) is clearly concerned with **reintroduction** of wildlife species to wildernesses after those animals were extirpated by humans. That is not the case here. This FSM citation does not apply to this situation.

There is a fundamental disagreement between the appellant and the Forest Service on the distinction between the two non-native introductions (bio-control vs. invasive plants). The analysis distinguishes between the two in the degree and type of impact each would have on the Wilderness. Invasive plants displace native vegetation and directly affect wildlife habitat, visual experience, and ecosystem function (FEIS, Sections 1.4, 3.1, 3.6, and 3.7). The impacts to these resources would diminish wilderness character (FEIS, Table 2.9, and pp. 3.6-15, 3.6-18, and 3.6-19). Bio-control agents directly affect the targeted weed host species, not the Wilderness as a whole. Reducing the density and spread of target invasive plant species will aid in maintaining the wilderness character.

The FEIS (p. 38) acknowledges ambiguity in some cases in the research literature about the predictability of bio-control indirect effects. Alternative 5 will proceed as cautiously as necessary with bio-control release through tracking plant communities with established monitoring to make sure plant species composition objectives are met (FEIS, Section 2.9 Monitoring). As I have already discussed, the Wilderness Act and its implementing regulations (36 CFR 293) are silent on the introduction of biological control agents or use of herbicides in wilderness to maintain the natural ecosystem. The project and analysis are in compliance with NEPA, the Wilderness Act, federal regulation, and agency policy.

Issue 6. The ROD, signed by the Forest Supervisors, approves the use of herbicides. This decision cannot be made at the Forest Supervisor level. The Forest Service Manual (FSM 2323.04 and 2323.34) only allows the Regional Forester to approve pesticides or chemicals.

Response: The pertinent Manual citations state:

13 - PESTICIDE-USE PROPOSALS. Use the Pesticide-Use Proposal (Form FS-2100-2) as part of the environmental analysis process to show a proposed pesticide use is appropriate (sec. 74).

13.2 - Review. Designated District, Forest, Station, Area, Institute, and Regional pesticide coordinators review the Pesticide-Use Proposal (Form FS-2100-2) for completeness and accuracy of information (FSM 2151). These personnel should also review biological evaluations or environmental assessments that include biological, human health and safety, environmental, and economic information pertinent to the proposed use. These documents explain why the proposed action is necessary. Evaluations to assist in decision making are related but not the same as review, concurrence, and approval. Include reports such as biological evaluations and

environmental assessments with applications for review, concurrence, and approval by decision makers when appropriate.

13.3 - Concurrence. Reviewers, such as District Rangers, Forest Supervisors, Group Leaders, Project Leaders, or designated pesticide coordinators shall show concurrence by initialing the Pesticide-Use Proposal (Form FS-2100-2), if the review indicates a proposed pesticide use is appropriate (FSM 2151).

13.4 - Approval. Regional Foresters or their designated representatives must approve all proposed pesticide uses on National Forest System lands (FSM 2151). Approval is indicated by signing the Pesticide-Use Proposal (Form FS-2100-2). Housekeeping and other minor uses of pesticides that do not require Pesticide-Use Proposals may be approved orally (FSM 2151). Only the Regional Forester can approve pesticide use in designated Wilderness Areas (FSM 2323.04c), wilderness study areas, or designated or candidate research areas, and any use of sodium cyanide. This approval authority cannot be redelegated.

The Forest Service Handbook (FSH) also has a pertinent citation:

1904.1 - Line Officers-Line officers are responsible for managing and controlling any planning process that leads to decisions concerning National Forest System lands or programs for which they are the responsible officials.

Past analyses such as the Frank Church River of No Return Noxious Weed Treatment Final Supplemental Environmental Impact Statement proposed use of herbicide treatment within a Wilderness area, and was signed in 1999 and 2007 by the four Forest Supervisors who were the responsible officials for managing the Wilderness. Forest Supervisors have the authority to sign planning documents for the National Forest System land they manage. Once the proposed project with the chosen alternative reaches the implementation phase, and herbicides need to be physically applied, the standard procedure of completing an FS-2100-2 (8/79) form will take place, at which point it can be reviewed and initialed by a Forest Supervisor, and then receive final approval to apply herbicides within the Wilderness project area from the Regional Forester. With the signing of FS-2100-2, the Regional Forester fulfills the responsibility of approving the use of an herbicide in the Wilderness. The analysis and decision are in compliance with the Forest Service Manual and Handbook.

Issue 7, Contention A. The appellant states the monitoring should be done to make sure the number of acres treated decline as the FEIS claims it will. The appellant suggested photographic monitoring points should have been established. The appellant go on to state monitoring in the ROD and FEIS does not have quantifiable goals, is subjective, and of little value.

Response: The ROD (Tables 9 and 10) lists the objectives, measurement methodology, and documented protocol for both annual and trend monitoring. Both tables require the use of established FACTS data base protocols, which require annual effectiveness monitoring and reporting of 50 percent of treated sites. Annual reporting to regulatory agencies (FEIS, p. 36) is

another form of monitoring. Examples of quantifiable goals used in both tables are: frequency plots and target plant mortality measurements, establishment of photo points on sites suspected of resistance development, application of standardized frequency, nested frequency, density, or other sampling protocols, the requirement of re-measurement on a 2 to 5-year schedule. The Forest has established a monitoring protocol that will help the Wilderness managers achieve the purpose and need of the project, in compliance with NEPA.

Issue 7, Contention B. The appellant states that monitoring must be done.

Response: The ROD (pp. 35 to 36) states invasive species monitoring would be done annually and a report listing the effectiveness of treatments would be developed. The report would be sent to regulatory agencies, with a projection of the number of acres and planned treatment for the following year. It is clear the Forest Service intends to perform monitoring of invasive plant species as discussed in the reporting section of the ROD.

RECOMMENDATION

I have reviewed the record for each of the contentions addressed above and have found that the analysis and decision adequately address the issues raised by the appellant. I recommend the Forest Supervisors' decision be affirmed and the appellant's requested relief be denied.

/s/ *Mary C. Erickson*
MARY C. ERICKSON
Appeal Reviewing Officer

cc: Rick Brazell
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